

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2007-135-WS - ORDER NO. 2008-753

NOVEMBER 6, 2008

IN RE: Application of Wyboo Plantation Utilities,)	ORDER ON
Incorporated for Expansion of Service)	PERFORMANCE BOND
Territory)	
)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the October 9, 2008 letter from the Office of Regulatory Staff (“ORS”) with regard to an October 3, 2008 submission of Wyboo Plantation Utilities, Incorporated (“Wyboo” or “the Company”). The submission was an attempt by Wyboo to comply with this Commission’s Order No. 2008-569, which granted the Company an additional forty-five (45) days to comply with the bonding requirements listed in Order No. 2007-551.

ORS alleges that it had examined the documents submitted, and had found that they did not provide sufficient surety for several reasons: (1) The statement attempted to utilize the assets of the utility to meet the minimum requirement of \$100,000 for each service; (2) while the assets of the utility were included, the liabilities of the utility were not included thereby providing a skewed financial picture; and (3) Sumter County listed the title to the residential property as “Mark S. & Ernestine Wrigley” not “Mark S. Wrigley” as reflected on page 2 of the financial statement.

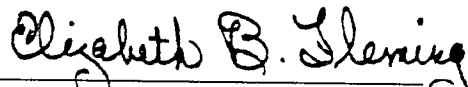
ORS asserts that 26 S.C. Code Ann. Regs. 103-712.3.3 (Supp. 2007) provides that the financial statement should show the “individual surety’s personal assets, liabilities, and net worth.” ORS states a concern that the financial statements provided rely heavily on the assets of the utility itself, rather than providing sufficient surety in the event this Commission was required to call upon the assets identified in the financial statements. Accordingly, ORS submits that the financial statements do not provide sufficient surety and the Commission should require Wyboo to post a bond.

After an examination of the material furnished by the Company, we share ORS’s concerns. We agree that the financial statements provided do not provide sufficient surety with the Commission, for the reasons cited by ORS.

We will give the Company an opportunity to cure the deficiency. The Company shall have thirty (30) days from its receipt of this Order to either submit a financial statement responsive to the concerns of the Office of Regulatory Staff, or, in the alternative, obtain a commercial bond in an amount no less than \$100,000 for each service.

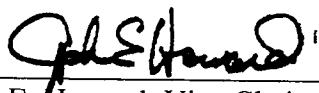
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman
(SEAL)